



1642
#28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Needleman, et al.

Atty. Docket No.: 161765.00366

Application No.: 08/934,367

Group Art Unit: 1642

Filed: September 19, 1997

Examiner: M Davis

For:

AN IMMUNOLOGICAL PROCESS AND
CONSTRUCTS FOR INCREASING THE HDL
CHOLESTEROL CONCENTRATION BY DNA VACCINATION

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TECH CENTER 1600/2900

REVOCATION AND POWER OF ATTORNEY

The undersigned being the owner of all right, title and interest in the above-identified patent application hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Banner & Witcoff, Ltd., 1001 G Street, N.W., Suite 1100, Washington, D.C., 20001, telephone number (202) 824-3000, facsimile number (202) 824-3001, and Customer Number 22907, and the following attorneys thereof (of the same address) individually and collectively, its attorneys, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent:

| | |
|--------------------|--------|
| ALTHERR, Robert F. | 31,810 |
| HOSCHEIT, Dale H. | 19,090 |
| SKERPON, Joseph M. | 29,864 |
| WOLFFE, Susan A. | 33,568 |

I also authorize Banner & Witcoff, Ltd. to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Banner & Witcoff, Ltd. on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

I hereby certify that MONSANTO COMPANY (now called PHARMACIA CORPORATION) is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

I have reviewed the documents in the chain of title of the patent application identified above, and to the best of my knowledge and belief, title is in the aforesaid assignee for which I am empowered to act in this matter.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18
of the United States Code and that such willful false statements may jeopardize the
validity of the application or any patent issuing thereon.

**PHARMACIA
CORPORATION (formerly
MONSANTO COMPANY)**

19 Feb 2003

Date

By:

Name: J. Timothy Keane

Title: _____

517033-1

J. Timothy Keane
Chief Counsel & Sr. Director
Pharmacia Corporation
Global Intellectual Property
St. Louis & Skokie Sites



RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Philip Needleman and Kevin C. Glenn

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other _____

Execution Date: October 1 and October 15, 1997

2. Name and address of receiving party(ies):

Name: Monsanto Company

Internal Address: _____

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Street Address: 800 North Lindbergh Blvd.

City: St. Louis State: Missouri ZIP: 63167

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s): 08/934,367

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Edward P. Gamson, Esq.

Internal Address: WELSH & KATZ, LTD.

Street Address: 120 South Riverside Plaza
22nd Floor

City: Chicago State: IL ZIP: 60606

6. Total number of applications and patents involved: 1

7. Total Fee (37 CFR 3.41) \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 23-0920

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Edward P. Gamson, Esq.
Name of Person Signing

Signature

Date: November 25, 1997

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

ASSIGNMENT

Return to:

Serial No. 08/934,367

J. Timothy Keane - O4E
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Filed 09/19/97

WHEREAS, We, Philip Needleman and Kevin C. Glenn of 326 New Salem Drive, Creve Coeur, Missouri 63141 and 1816 Pheasant Run Drive, Maryland Heights, Missouri 63043-2868, respectively, have invented certain improvements in AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR INCREASING THE HDL CHOLESTEROL CONCENTRATION BY DNA VACCINATION, identified as MON-103.0, and described in a Patent Application by us on the dates set after our signatures hereto; and

WHEREAS, Monsanto Company, of St. Louis, Missouri, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of Five Dollars (\$5.00), the receipt of which is hereby acknowledged, and other valuable consideration, we do hereby sell, assign and transfer unto said Monsanto Company, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also any improvements on said invention or inventions now or hereafter made by us during the period of our employment; also the entire right, title and interest in and to any and all patents or reissues or extensions thereof to be obtained in this or any foreign country upon said invention, inventions, or improvements and any divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Company, as assignee of the entire interest.

We further agree, without any payment by Monsanto Company other than expenses incurred by the undersigned, to communicate to said Monsanto Company, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; testify in any interference or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals on the dates set after our signatures.

(L.S.)

Philip Needleman, Oct 6, 1997
Philip Needleman

(L.S.)

Kevin C. Glenn, Oct 16, 1997

Kevin C. Glenn

State of Missouri

}

} ss.

County of St. Louis

}

On this 1st day of Oct, 1997, before me personally appeared Philip Needleman to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

Ruth M. Houlihan

Notary Public

RUTH M. HOULIHAN
NOTARY PUBLIC - STATE OF MISSOURI
MY COMMISSION EXPIRES MAY 27, 2001
ST. LOUIS COUNTY

My Commission expires 5-27-2001

State of Missouri

}

} ss.

County of St. Louis

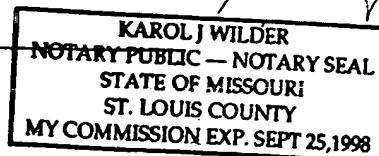
}

On this 16th day of Oct, 1997, before me personally appeared Kevin C. Glenn to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

Karol J. Wilder

Notary Public

My Commission expires



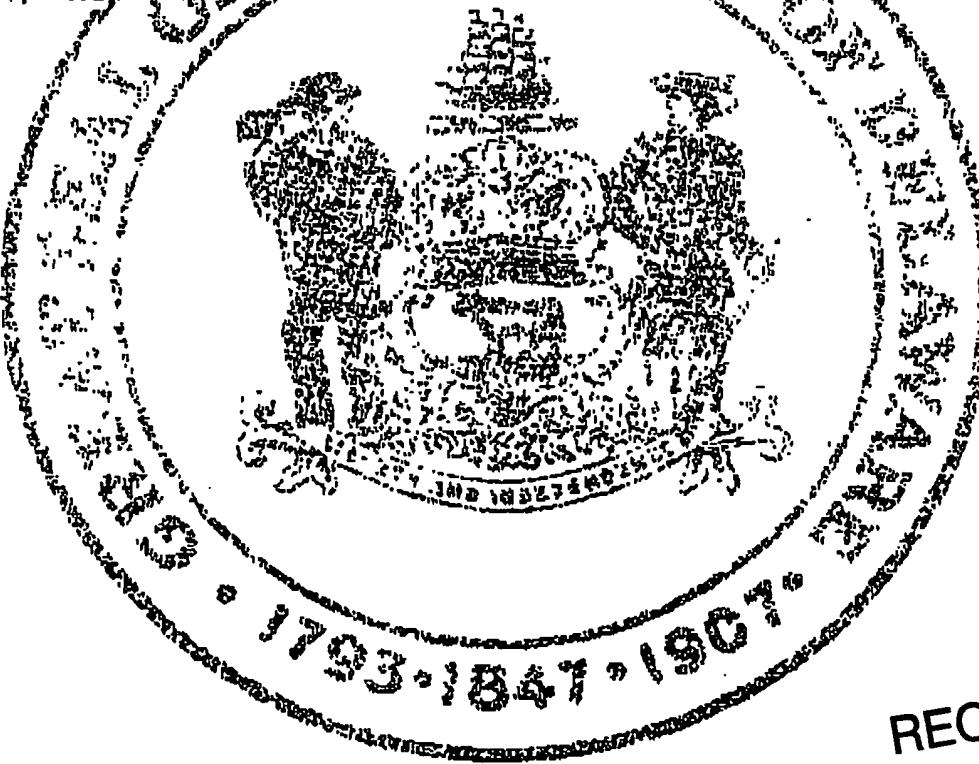


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PAGE 1

State of Delaware
Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MONSANTO COMPANY", CHANGING ITS NAME FROM "MONSANTO COMPANY" TO "PHARMACIA CORPORATION" FILED IN THIS OFFICE ON THE THIRTY-FIRST DAY OF MARCH, A.D. 2000, AT 2:15 O'CLOCK P.M.



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Edward J. Freel
Edward J. Freel, Secretary of State

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001166302

AUTHENTICATION: 0354826

DATE: 03-31-00

FROM RICHARDS, LAYTON & FINGER #7

(FRI) 3.31'00 14:18/ST. 14:17/NO. 4862637689 P 3

**CERTIFICATE OF AMENDMENT
OF
MONSANTO COMPANY,
RESTATE CERTIFICATE OF INCORPORATION**

Monsanto Company (the "Corporation"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify that:

- I. The amendments set forth below to the Corporation's Restated Certificate of Incorporation previously filed in the Office of the Secretary of State of Delaware on October 29, 1997, have been duly adopted by the Board of Directors of the Corporation, and the Board has declared said amendments to be advisable and called a meeting of the stockholders of the Corporation for consideration thereof.
- II. Thereafter, pursuant to resolution of its Board of Directors, a special meeting of the stockholders of said corporation was duly called and held, upon notice in accordance with Section 222 of the General Corporation Law of the State of Delaware at which meeting the necessary number of shares as required by statute were voted in favor of the amendments.
- III.
 1. Article I thereof is amended and restated to read as follows:

ARTICLE I: NAME

The name of the Corporation shall be Pharmacia Corporation.

2. The first sentence of Article IV thereof is amended to read as follows:

The total number of shares of all classes of stock which the Corporation shall have authority to issue is 3,010,000,000 shares, to be divided into two classes consisting of (a) ten million (10,000,000) shares of preferred stock, par value \$0.01 per share (hereinafter designated "Preferred Stock"), and (b) three billion (3,000,000,000) shares of common stock of a par value of \$2 per share (hereinafter designated "Common Stock").

3. The last sentence of the first paragraph of Article IV, Section I thereof is deleted.

4. Article IV, Section I(b) is amended and restated to read as follows:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 02-15 PM 03/31/2000
001164549 - 0341119

W/14577971

FROM RICHARDS, LAYTON & FINGER #7

(FRI) 3.31'00 14:18/ST.14:17/NO. 4862637689 P 4

(b) Whether the shares of such series shall have voting rights, in addition to the voting rights provided by law, and, if so, the terms of such voting rights;

- IV. These amendments were duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.
- V. These amendments shall become effective as of 4:00 p.m. on March 31, 2000.

01-27-2003 14:50

From-IP DEPT

+314-694-72

T-163 P.006/006 F-610

FROM RICHARDS, LAYTON & FINGER #7

(FRI) 3.31'00 14:19/ST.14:17/NO. 4862637689 P 2

IN WITNESS WHEREOF, Monsanto Company has caused this certificate to be signed
by Barbara L. Blackford, its authorized officer, this 31st day of March, 2000.

MONSANTO COMPANY

Barbara L. Blackford
Name: Barbara L. Blackford
Title: Assistant Secretary